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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSE ROBERTO,

14 Defendant.
15

Case No. 2:18-mj-878-PAL

STIPULATION TO CONTINUE
BENCH TRIAL

(First Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United
17 States Attorney, and Kevin Douglas Schiff, Assistant United States Attorney, counsel for the
18 United States of America, and Rene L. Valladares, Federal Public
19 Defender, and Monique Kirtley, Assistant Federal Public Defender, counsel for Jose Roberto,
20 that the bench trial currently scheduled on November 21, 2018, at the hour of 8:45 a.m., be
21 vacated and set to a date and time convenient to this Court, but no sooner than thirty (30) days.
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23 This Stipulation is entered into for the following reasons:

24 1. Counsel for the defendant needs the additional time to review, investigate, and
25 discuss the case with Mr. Roberto.

26 2. The defendant is not in custody and does not oppose a continuance.

1 3. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice. The additional time requested by this Stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code
5 §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6 This is the first request for a continuance of the bench trial.

7 DATED this 9th day of November, 2018.

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9 RENE L. VALLADARES
10 Federal Public Defender

 DAYLE ELIESON
 United States Attorney

11 /s/ Monique Kirtley
12 By _____

 /s/ Kevin Douglas Schiff
13 By _____

14 MONIQUE KIRTLEY
15 Assistant Federal Public Defender

 KEVIN DOUGLAS SCHIFF
16 Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ROBERTO,

Defendant.

Case No. 2:18-mj-878-PAL

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs the additional time to review, investigate, and discuss the case with Mr. Roberto.
2. The defendant is not in custody and does not oppose a continuance.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United
8 States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United States
9 Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,
12 November 21, 2018 at 8:45 a.m., be vacated and continued to January 30, 2019, at 8:45 a.m.

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15 DATED this 14th day of November, 2018.

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18 UNITED STATES MAGISTRATE JUDGE
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